

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



May 25, 2000

ALL-COUNTY INFORMATION NOTICE NO. I-54-00

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

SUBJECT: RELEASE OF NAMES AND RESIDENTIAL ADDRESSES OF ELDERLY OR DISABLED CLIENTS TO DESIGNATED EMERGENCY SERVICES PERSONNEL

REFERENCE: ASSEMBLY BILL (AB) 788 (CHAPTER 121 STATUTES OF 1995), SUBSECTION 10850.9 OF THE WELFARE AND INSTITUTIONS CODE

The purpose of this All-County Information Notice (ACIN) is to provide counties that administer In-Home Supportive Services (IHSS) and Adult Protective Services (APS) programs with information on the implementation of Welfare and Institutions Code (WIC) Section 10850.9.

WIC Section 10850.9 permits authorized employees of county social services departments to release the names and addresses of elder and disabled recipients or clients to specified emergency agencies in a public safety emergency. The public safety emergency must be such that it necessitates evacuation of the area in which the elder or disabled persons live. The statute further limits applicable emergencies to those that jeopardize the immediate physical safety of county residents.

The statute lists specific examples of such emergencies, but the list is not exhaustive. This statute does not mandate county implementation, but rather permits it.

The authority to implement this statute was contingent on securing any necessary federal approvals. It has been determined that federal waivers or approvals are not required to implement this statutory provision. Prior to implementation, the Director signed a declaration to this effect. A copy of the executed declaration is attached.

Counties administering public social services programs are authorized to begin implementing Section 10850.9 immediately.

Those counties may want to:

- begin implementing this provision by designating authorized persons for the purposes of disclosure,
- notify the appropriate emergency agencies in their locality that this service is available,
- begin reviewing the steps necessary to access such addresses by affected area, or develop the means to do so,
- review their emergency or contingency plans for the purposes of working out alternative methods of accessing this data in the event of a failure of the electrical power supply, telephone system, or program automated systems,
- work out which emergency agencies, in addition to those specifically listed in the statute, should be designated to receive this information, and designate them, perhaps by order of the county board of supervisors.

If you have further questions, please contact Alan Stelmack, of my staff, at (916) 229-4583 regarding the above.

***Original Document Signed By
Donna L. Mandelstam on 5/25/00***

DONNA L MANDELSTAM
Deputy Director
Disability and Adult Programs Division

Attachment

Assembly Bill No. 788

CHAPTER 121

An act to add Section 10850.9 to the Welfare and Institutions Code, relating to confidential information.

[Approved by Governor July 17, 1995. Filed with
Secretary of State July 18, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 788, W. Brown. Confidential information: emergency assistance.

Under existing law, each county is charged with the local administration of various public social services that are, with the exception of county general assistance programs, governed in part by federal law. State and federal confidentiality provisions generally prohibit the disclosure of information about public social services program applicants and recipients except under specified circumstances.

This bill would, if federal approval is obtained, permit any authorized employee of a county social services department to disclose the name and residential address of elderly or disabled clients to police, fire, or paramedical personnel, or other designated emergency services personnel in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Currently, police officers, firefighters, paramedics, and other emergency services personnel lose valuable time in determining who in a building needs assistance in the event of a fire, earthquake, gas leak, bomb scare, or other public safety emergency necessitating evacuation of that building or immediate area.

(b) In these situations, emergency services personnel must go door-to-door or rely upon the information of neighbors and bystanders.

(c) The adult protective services and the In-Home Supportive Services (IHSS) programs, under the administration of county welfare departments, keep current residential addresses of those elderly and disabled individuals receiving adult protective services or IHSS.

(d) County welfare departments could readily provide emergency services personnel with the residential addresses of elderly or disabled individuals who would need assistance in the event of a public safety emergency that may require evacuation during the course of the emergency.

(e) It is the intent of the Legislature, therefore, to allow county welfare departments to provide the current residential addresses of elderly and disabled individuals to emergency services personnel during a public safety emergency that may require evacuation of a building or area of the county.

SEC. 2. Section 10850.9 is added to the Welfare and Institutions Code, to read:

10850.9. (a) Notwithstanding Section 10850, an authorized employee of a county social services department may disclose the name and residential address of elderly or disabled clients to police, fire, paramedical personnel, or other designated emergency services personnel, in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Those public safety emergencies include, but are not limited to, fires, earthquakes, gas leaks, bomb scares, and other natural or human-made occurrences that jeopardize the immediate physical safety of county residents.

(b) The Director of Social Services shall seek any federal approval necessary to implement subdivision (a).

(c) Subdivision (a) shall be implemented only if the director executes a declaration, that shall be retained by the director, stating that any federal approval required for implementation of subdivision (a) has been obtained, and only for the duration of that approval.



DECLARATION

WHEREAS, Welfare and Institutions Code Section 10850.9 provides as follows:

"10850.9. (a) Notwithstanding Section 10850, an authorized employee of a county social services department may disclose the name and residential address of elderly or disabled clients to police, fire, paramedical personnel, or other designated emergency services personnel, in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Those public safety emergencies include, but are not limited to, fires, earthquakes, gas leaks, bomb scares, and other natural or human-made occurrences that jeopardize the immediate physical safety of county residents.

(b) The Director of Social Services shall seek any federal approval necessary to implement subdivision (a).

(c) Subdivision (a) shall be implemented only if the director executes a declaration, that shall be retained by the director, stating that any federal approval required for implementation of subdivision (a) has been obtained, and only for the duration of that approval."

I, Rita Saenz, declare:

1. I have been advised by legal counsel that any necessary federal approval required to implement subdivision (a) of Welfare and Institutions Code Section 10850.9 has been obtained.
2. In reliance on said advice, I find that any necessary federal approval required to implement subdivision (a) of Welfare and Institutions Code Section 10850.9 has been obtained.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Dated: 1.25.00

/s/ Rita Saenz
Rita Saenz, Director
California Department of
Social Services

ATTACHMENT A

Welfare and Institutions Code Section 10850.9 states:

"10850.9. (a) Notwithstanding Section 10850, an authorized employee of a county social services department may disclose the name and residential address of elderly or disabled clients to police, fire, paramedical personnel, or other designated emergency services personnel, in the event of a public safety emergency that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Those public safety emergencies include, but are not limited to, fires, earthquakes, gas leaks, bomb scares, and other natural or human-made occurrences that jeopardize the immediate physical safety of county residents.

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